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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,003	01/31/2006	Emma L. Jones	CE10521EP	9846
22917	7590	08/29/2008		
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER SHEDRICK, CHARLES TERRELL	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 08/20/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com  
AP1099@motorola.com

### Office Action Summary

**Application No.**

10/567,003

**Applicant(s)**

JONES, EMMA L.

**Examiner**

CHARLES SHEDRICK

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 5/19/08 have been fully considered but they are not persuasive.

Applicant argues that Ala-Laurila is missing the parallel elements of sending and initiating, as recited in amended claim 1. Moreover, Ala-Laurila does not reflect on the problem of authentication timing, and therefore could not have envisioned applicant's solution and inventive steps for providing proper authentication before a timeout.

However, the Examiner respectfully disagree.

In particular, the Examiner is unable to find anything in the claim I language that would clarify the setting up/initiating steps in a manner that would distinguish the steps over the prior art. With regard to the prior art the authentication is actually considered part of the initiation and setup of the charging call since it's such as integral part of the process. The initial and subsequent request/responses are all part of the "setting up" process. without the initiation of the authentication which could occur based on the presence of the device there would be no reason for to even consider a charge. Therefore, without further distinction of what exactly initiates and/or what is "setting up" over the prior art the Examiner is unable to find an inventive step or novel feature of the prior art. With regard to the charging call a number of features could be representative of "enabling" billing such as the generation of a charge record. A charging record would enable any first/third party to bill accordingly as is well known in the art and indicated in the prior art of record.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1-2,4 and 6-11** are rejected under 35 U.S.C. 102(b) as being anticipated by Ala-Laurila et al: Wireless LAN Access Network Architecture for Mobile Operators”,IEEE Communication Magazine, ‘IEEE Service Center, Piscataway N.J., US, vol. 39, no. 11, November 2001 (2001-11), pages 82-89.

**Consider claims 1 and 10**, Ala-Laurila teaches an Apparatus and method for enabling access to a WLAN communication system comprising: receiving (e.g., and transmitting) a WLAN access request from a WLAN communication device (e.g., **see page 86, col. 1 lines 15-32 and figure 4**)(i.e., **the terminal sends the authentication request and locates an access controller**); initiating a charging call using a second communication system by sending a access request message in a standard protocol for the second communication system (e.g., **see page 86 col. 1 line 33 – col. 2 line 36**); receiving a first authentication request from the second communication system (e.g., **see page 86 col. 1 line 33 – col. 2 line 36 and figure 4**); forwarding a second authentication request to the WLAN communication device using the information received from the second communication system(e.g., **see page 86 col. 1 line 33 – col. 2 line 36 and figure 4** **initial authentication , relaying the authentication request to the correct authentication server and a new session is created** ); receiving a first authentication response from the WLAN communication device (e.g., **see page 86 col. 1 line 33 – col. 2**

**line 36 and figure 4);**forwarding a second authentication response information received from the WLAN communication device to the second communication system(e.g., see **page 86 col. 1 line 33 – col. 2 line 36 and figure 4)**; setting up the charging call, initiated in the initiating step, via a second communication system in response to the WLAN access request using second communication system subscription information associated with the WLAN communication device(e.g., see **page 86, col. 1 line 33 – col. 2 line 36 and figure 4)**( **the authentication server requests triplets from the home location register, if the authentication was successful, the access controller sends the authentication server an indication that a new accounting session has been started**); wherein the charging call enables a portion of the cost of the call as billed to the user via the subscriber information to be allocated to a party other than the provider of the communication system resource, i.e., the WLAN operator(e.g., see **page 87 col. 1 line 15 – col. 2, the system the accounting and billing records are monitored and sent in charging data records which enables multiple party billing and even prepaid services based on the accounting methods**); enabling access to the WLAN communication system in response to the setting up of the charging call(**page 86 col. 1 line 33- col. 2 line 36 and figure 4**)(i.e., the access controller enables the terminal data packets and the ack to the terminal).

Consider **claim 2 and as applied to claim 1**, Ala-Laurila teaches wherein the step of sending is performed in parallel with the step of initiating and before the step of receiving an authentication request by the second communication system, such that the forwarding response step is accomplished before a timeout of the authentication process by the second communication system. (**page 86 col. 1 lines 1 – col. 2 line 36 and figure**

4).

Consider **claim 4** and as applied to any preceding claim, Ala-Laurila teaches the claimed invention comprising the step of selecting the duration of the charging call depending on the requested service to be accessed (**page 87 col. 1 lines 10 -29**)(**session lifetime value, consider also well known features of RADIUS and DIAMETER IETF protocols where the duration session can be set by timer**).

Consider **claim 6** and as applied to any preceding claim, Ala-Laurila teaches the claimed invention comprising the step of determining the duration of the charging call and the step of discontinuing the charging call when the predetermined duration has expired accessed (**page 87 col. 1 lines 10 -29**)(**session lifetime value, consider also well known features of RADIUS and DIAMETER IETF protocols where the duration session can be set by timer**).

Consider **claim 7** and as applied to any preceding claim, Ala-Laurila teaches comprising the step of determining the duration of the permitted WLAN access, and the step of discontinuing access once the allowed duration has expired. accessed (**page 87 col. 1 lines 10 -29**)(**session lifetime value, consider also well known features of RADIUS and DIAMETER IETF protocols where the duration session can be set by timer**)

Consider **claim 8** and as applied to any preceding claim, Ala-Laurila teaches the claimed invention comprising the step of determining magnitude of permitted data transfer during WLAN access and the step of discontinuing access once permitted data transfer has occurred (e.g., see **page 87 col. 1 lines 30-39**)(i.e., volume based).

Consider **claim 9** and as applied to any preceding claim, Ala-Laurila teaches the

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claimed invention comprising the step of initiating a new charging call in respect of additional access in response to a request for additional access received from the WLAN device (page 86 col. 1 line 33- col. 2 line 36 )(i.e., noting RADIUS functionality)

Consider **claim 11** and as applied to claim 1, Ala-Laurila teaches also comprising the step of providing subscription authentication information, to enable a charging call for the WLAN access to be set up in the second communication system using the subscription authentication information(page 86 col. 1 line 33- col. 2 line 36 ).

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 3 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ala-Laurila et al: Wireless LAN Access Network Architecture for Mobile Operators”,IEEE Communication Magazine, ‘IEEE Service Center, Piscataway N.J., US, vol. 39, no. 11, November 2001 (2001-11), pages 82-89 in view of McIntosh et al., US Patent Pub. No.: 2003/0139180, hereinafter, "McIntosh"

Consider **claim 3** and as applied to any preceding claim, Ala-Laurila teaches the claimed invention except the claimed invention also comprising the step of selecting the destination of the charging call depending on the requested service to be accessed.

However, In analogous art, McIntosh teaches the claimed invention also comprising the step of selecting the destination of the charging call depending on the requested service to be accessed (e.g., see paragraph 0067)(**RADIUS server forwards accounting packets to a billing server through a RADIUS proxy interface to bill telecommunications charges to the appropriate parties**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ala-Laurila to include the claimed invention also comprising the step of selecting the destination of the charging call depending on the requested service to be accessed as taught by McIntosh for the purpose of allowing access to supplementary services.

Consider **claim 5** and as applied to any preceding claim, Ala-Laurila teaches the claimed invention except wherein the charging call is a premium rate call.

However, In analogous art, McIntosh teaches the claimed invention also comprising the wherein the charging call is a premium rate call (e.g., see paragraph 0067)(**RADIUS server forwards accounting packets to a billing server through a RADIUS proxy interface to bill telecommunications charges to the appropriate parties**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ala-Laurila to include wherein the charging



call is a premium rate call as taught by McIntosh for the purpose of allowing access to supplementary services.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CHARLES SHEDRICK** whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Paul Harper can be reached on (571)-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/  
Supervisory Patent Examiner, Art Unit 2617

/Charles Shedrick/  
Examiner, Art Unit 2617  
August 17 2008